

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1(b)

783329  
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Attorneys for SANTANDER BANK, N.A.

In Re:

JOHN HODE



Order Filed on September 8, 2017  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No: 16-29747 - MBK

Hearing Date: July 25, 2017

Judge: Michael B Kaplan

Recommended Local Form: ☒ Followed ☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

**DATED: September 8, 2017**

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Applicant: SANTANDER BANK, N.A.  
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC  
Debtor's Counsel: STEVEN J. ABELSON, Esquire  
Property Involved ("Collateral"): 208 CONIFER DRIVE, FORKED RIVER, NJ 08731-2830

Relief sought: ☒ Motion for relief from the automatic stay  
☐ Motion to dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 10 months, from 11/01/2016 to 08/01/2017.
- ☐ The Debtor is overdue for 10 payments at \$1,672.06 per month.
- ☐ The Debtor is assessed for \_\_\_\_\_ late charges at \$\_\_\_\_\_ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$\_\_\_\_\_ received after the motion was filed.
- Total Arrearages Due \$16,720.60.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Debtor shall obtain a loan modification to cure the arrears in the amount of \$16,720.60. Loan Modification shall be obtained no later than 11/30/2017.
- ☐ Beginning on \$\_\_\_\_\_, regular monthly mortgage payments shall continue to be made.
- ☐ Beginning on \_\_\_\_\_, additional monthly cure payments shall be made in the amount of \$\_\_\_\_\_ for \_\_\_\_\_ months.
- ☐ The amount of \$\_\_\_\_\_ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☐ Regular Monthly payment:

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$\_\_\_\_\_, and costs of \$\_\_\_\_\_.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

**Certificate of Notice Page 5 of 5**  
United States Bankruptcy Court  
District of New Jersey

In re:  
John Hode  
Debtor

Case No. 16-29747-MBK  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Sep 08, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 10, 2017.

db +John Hode, 208 Conifer Drive, Forked River, NJ 08731-2830

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 10, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 8, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com

Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com

Michael Frederick Dingerdisen on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com

Nicholas V. Rogers on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com

Steven J. Abelson on behalf of Debtor John Hode sjaesq@atrbklaw.com,  
atrbkl@gmail.com;r49787@notify.bestcase.com

TOTAL: 5